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Remarks

Claims 29, 34-35, and 37 have been amended and claims 33 and 36 have been canceled leaving claims 29-32, 34-35, 37, 40-46, and 48 pending in the application.

Applicant requests the Examiner reevaluate the rejections of the pending claims in view of the following remarks.

The previously pending claims had been regarded as anticipated or obvious in view of either Nakamura (US Patent No. 6,232,629) or Aoki et al. (US Patent No. 6,033,953). However, neither of these references, either alone or in combination with each other or another reference(s), teaches or suggests all the elements of the pending claims.

The pending claims are anticipated "only if each and every element as set forth in the claims are found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Further, the Applicants need not submit any evidence of non-obviousness until the Examiner produces a prima facie case that the claims are obvious with at least one of the criteria of prima facie case of obviousness being that all of the claimed limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580, 582-3 (CCPA 1974).

Claim 29 has been amended to recite that the platinum layer has a thickness of greater than or equal to about 100 angstroms and a continuous surface with the columnar platinum pedestals having heights greater than or equal to about one-third of

a total thickness of the platinum layer. These limitations are neither taught nor suggested by the cited references.

Neither Nakamura nor Aoki teach or suggest platinum layers of at least 100 angstroms with the layers with columnar pedestals having heights greater than or equal to about one-third of the total thickness of the platinum layer.

Claims 30-32, 34-35, and 37 depend from claim 29, and allowable for at least the reason that claim 29 is allowable.

With reference to the original disclosure, embodiments of the invention provide roughened platinum layers having pedestals of minimum heights. The cited references neither teach nor suggest these minimum heights nor do the cited references teach or suggest methods for increasing the heights of these pedestals. As such, it is unreasonable to conclude that attaining these minimum heights can be achieved by altering a result effective variable, when the so-called result effective variable is not known within the art.

As claims 40-46 and 48 include pedestal feature limitations, these claims are allowable in view of the cited references as well.

Applicant requests allowance of claims 29-32, 34-35, 37, 40-46, and 48 in the Examiner's next action. If the Examiner's next action is to be anything other than a Notice of Allowance, the Applicant respectfully requests a telephone interview prior to issuance of any such subsequent action. The undersigned is available for telephone consultation at (509) 624-4276 Monday through Friday, 8:00 a.m.-5:00 p.m. (PST).

Respectfully submitted,

Dated: 2/6/07

By:


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